

Message Text

UNCLASSIFIED

PAGE 01 STATE 089828
ORIGIN SCS-06

INFO OCT-01 EUR-12 ISO-00 JUSE-00 CA-01 L-03 H-02
HA-05 DODE-00 /030 R

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FM SECSTATE WASHDC
TO AMEMBASSY THE HAGUE PRIORITY

UNCLAS STATE 089828

E.O. 11652: N/A

TAGS: CGEN

SUBJECT: JUDICIAL ASSISTANCE: USGOV COOPERATION WITH DUTCH

OFFICIALS WISHING TO OBTAIN INFORMATION FROM US CITIZEN

RESIDENT IN US

REF: THE HAGUE 1810

1. INFORMATION PROVIDED REFTEL NOT DETAILED ENOUGH TO
PROVIDE FOR DEFINITIVE RESPONSE. FOLLOWING GUIDELINES MAY
BE HELPFUL:

A. IF THIS IS A POLICE INVESTIGATION, IT IS OUR UNDER-
STANDING DEA, FBI OR INTERPOL CAN BE OF ASSISTANCE IN, FOR
INSTANCE, ASCERTAINING A WITNESS'S WHEREABOUTS AND INQUIR-
ING IN ADVANCE WHETHER HE WOULD COOPERATE. DEA AMSTERDAM,
LEGATT IN BONN OR LOCAL INTERPOL OFFICE SHOULD BE CONTACTED
DIRECTLY BY DUTCH AUTHORITIES IF THIS IS THE CASE.

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B. WITNESS CAN BE COMPELLED TO COME TO A FEDERAL DISTRICT
COURT TO PROVIDE TESTIMONY PURSUANT TO A LETTER OF REQUEST
EMANATING FROM A FOREIGN COURT. (EMPHASIS UPON COURT
SINCE A REQUEST FROM AN INVESTIGATORY AGENCY IS NOT
ACCEPTABLE). HOWEVER, WITNESS CAN, OF COURSE, RAISE

CONSTITUTIONAL PRIVILEGES AGAINST PROVIDING THE TESTIMONY.

SEE GENERALLY DEPT'S CIRCULAR NOTE OF 2/3/76 TO EMBASSIES
HERE WHICH WAS SENT TO ALL POSTS UNDER A-1357 OF 3/9/76.

C. DEPT'S CIRCULAR NOTE ALSO CONTAINS A PARA ON PAGE SIX
WHICH APPEARS VERY RELEVANT TO REFTTEL. IT READS:
"SEC OF STATE ALSO WISHES TO POINT OUT THAT THE US DOES
NOT OBJECT TO INFORMAL TAKING OF TESTIMONY BY MEMBERS
OF DIP AND CON MISSIONS, OR BY PRIVATE COUNSEL, FROM
WITNESSES IN US, PROVIDED WITNESS AGREES VOLUNTARILY TO
GIVE TESTIMONY AND NO COMPULSION, THREATS OR INTIMIDATION
IS USED. IF FOREIGN OFFICIALS, OTHER THAN MEMBERS OF
DIP OR CON MISSIONS, ENGAGE IN SECURING OF TESTIMONY IN
US, DEPT OF STATE SHOULD RECEIVE ADVANCE NOTIFICATION OF
THAT FACT." VANCE

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 jan 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: n/a
Control Number: n/a
Copy: SINGLE
Draft Date: 07 apr 1978
Decaption Date: 01 jan 1960
Decaption Note:
Disposition Action: n/a
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment:
Disposition Date: 01 jan 1960
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1978STATE089828
Document Source: CORE
Document Unique ID: 00
Drafter: JS
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Expiration:
Film Number: D780151-0458
Format: TEL
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1978/newtext/t19780479/aaaacppa.tel
Line Count: 76
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: afe634b4-c288-dd11-92da-001cc4696bcc
Office: ORIGIN SCS
Original Classification: UNCLASSIFIED
Original Handling Restrictions: n/a
Original Previous Classification: n/a
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Page Count: 2
Previous Channel Indicators: n/a
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Previous Handling Restrictions: n/a
Reference: 78 THE HAGUE 1810
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 04 mar 2005
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
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Review Withdrawn Fields: n/a
SAS ID: 3035089
Secure: OPEN
Status: NATIVE
Subject: JUDICIAL ASSISTANCE: USGOV COOPERATION WITH DUTCH OFFICIALS WISHING TO OBTAIN INFORMATION FROM US CITIZEN
RESIDENT IN US
TAGS: CGEN
To: THE HAGUE
Type: TE
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